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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,006	06/11/2001	Takeshi Mio	0054-0235P	1713

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/877,006

Applicant(s)

MIO ET AL.

Examiner

James A. Fletcher

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. (35 U.S.C. § 133).
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/11/1.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 4 is objected to because of the following informalities: line 2 of the claim recited "a speed of the steaming signals." The examiner believes the language should read --a speed of the streaming signals--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Saeijs et al (5,596,581).

Regarding claims 1 - 3, Saeijs et al disclose a program recording or reproducing apparatus for demultiplexing predetermined program signals from multiplexed signals in an MPEG2 transport stream (Col 3, line2 27-30: "that the information signal is an MPEG information signal in accordance with an MPEG format, the MPEG information signal comprising subsequent transport packets") and recording these demultiplexed program signals comprising:

- means and step for extracting the predetermined program signals from the multiplexed signals (Col 4, lines 23-26 "a program selector for retrieving one video program and corresponding audio signal from the MPEG data stream so as to obtain the MPEG information signal for recording");

- means and step for recording the program signals (Col 4, lines 25-26);
- means and step for reading the program signals out of the recording means (Col 3, lines 24-36 "to enable a normal play mode using video information stored"); and
- speed converting means and step for outputting the program signals read by the reading means so that the output interval on each multiplexing unit becomes coincident with a time interval in the multiplexed signals (Col 5, lines 24-28: "By detecting and storing the timing information corresponding to a transport packet, the reproducing arrangement will be capable of retrieving the timing information and recreating the MPEG information signal using said timing information").

Regarding claim 4, Saeijs et al disclose a program recording or reproducing apparatus comprising a speed detecting means for detecting a speed of the streaming signals based on the number of packets contained per unit time when receiving the streaming signals (Col 3, lines 3-6 "the channel encoding means are adapted to store each time information included in x transport packets of the MPEG information signal"); wherein the speed detecting means outputs the program signals at the speed detected (Col 5, lines 24-28: "By detecting and storing the timing information corresponding to a transport packet, the reproducing arrangement will be capable of retrieving the timing information and recreating the MPEG information signal using said timing information").

Regarding claim 5, Saeijs et al disclose a program recording or reproducing apparatus comprising speed detecting means for detecting during a reproducing

process a speed of the streaming signals on the basis of time management information contained in the streaming signals, wherein the speed converting means outputs the coded program signals at the speed detected (Col 5, lines 24-28: "By detecting and storing the timing information corresponding to a transport packet, the reproducing arrangement will be capable of retrieving the timing information and recreating the MPEG information signal using said timing information").

Regarding claim 6, Saeijs et al disclose a program recording or reproducing apparatus wherein the recording means records one control packet structured in the same format as the program packet as a substitute for the discarded packet, thereby recording a discarded packet count of the packets discarded between two consecutive program packets (Col 4, lines 10-14 "a third block section for storing sequence number information relating to a transport packet sequence number corresponding to the transport packet of which information is stored in said signal block").

Regarding claim 7, Saeijs et al disclose a program recording or reproducing apparatus wherein the recording means records a discarded packet count of the packets discarded between two consecutive program packets at every interval therebetween, thereby recording a discarded packet count of the packets discarded between two consecutive program packets (Col 4, lines 39-44 "Upon recording a sequence number is added to each transport packet received, that is: also for the packets that will be deleted. The sequence numbers of the packets that are selected and stored is stored in the third block section of the signal blocks in which a transport packet is stored").

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Regarding claim 8, Saeijs et al disclose a program recording or reproducing apparatus wherein the recording means records a stream management packet as a first recording packet of the predetermined coded program signal (Col 14, lines 10-14 "In the third block section denoted FB of the third signal block SB3 of the group G1, the packet number k-1 is stored and the information comprised in the packet P_{k-1} is stored thereafter in the signal blocks SB3, SB4 and SB5 of the group G1").

Regarding claim 9, Saeijs et al disclose a program recording or reproducing apparatus wherein the recoding means records a program packet containing time management information after the stream management packet (Col 14, lines 10-14 "In the third block section denoted FB of the third signal block SB3 of the group G1, the packet number k-1 is stored and the information comprised in the packet P_{k-1} is stored thereafter in the signal blocks SB3, SB4 and SB5 of the group G1"), and subsequently records an intra frame coded program packet (Col 20, lines 18-22 "It should be noted here that the MPEG data, as far as the video data in the MPEG data stream is concerned, comprises data reduced video information. To realize such data reduced video information the information corresponding to one picture is intra encoded so as to obtain so called I-frames").

Regarding claim 10, Saeijs et al disclose a program recording or reproducing apparatus wherein the recording means records each program packet and the discarded packet count of the packets discarded between the two consecutive program packets on a magnetic tape, a magnetic disk, or an optical disk (Col 2, lines 43-44: "the

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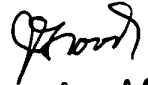
invention relates to storing the transport packets in the signal blocks of the known tape format").

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAF
3 February 2006


James J. Groody
Supervisory Patent Examiner
Art Unit 262 2616